HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No. 1607 of 2006

Between:

Masan Palle Chinna Kishtappa

R/o Kalkapur, Tandur Mandal,

Ranga Reddy Dist. .. Petitioner

AND

The A.P.Pollution Control Board ,

Represented by its Member Secretary,

Ameerpet, Hyderabad and others ..Respondents

Counsel for the Petitioner: Shri A.M.Krishna

Counsel for Respondent No.1: Shri S.V.Bhatt.

Counsel for Respondent No.2: Govt.Pleader for Agriculture

Counsel for Respondent No.3

And 4. : Govt. Pleader for Revenue.

Counsel for Respondent No.5: Govt.Pleader for Mines and

Geology.

Counsel for Respondent No.6: Govt. Pleader for Home.

Counsel for Respondent No.7: Shri C.Kodandaram

Dated: March 20, 2006

JUDGMENT:

Per G.S.Singhvi, C.J.

This is a petition for issuance of a writ in the nature of mandamus directing respondents 1 to 6 to restrain respondent No.7 from carrying out blasting operation within a radius of 1 K.M. from the site in question.

After perusing the averments contained in the writ petition, which are suggestive of the fact that blasting operation undertaken by respondent No.7 is injurious to the villagers living in the nearby area, the Court had issued notice to respondents 1 to 5 and 7 and also directed Revenue Divisional Officer, Vikarabad, Ranga Reddy District to personally inspect the site on three consecutive dates in the 2nd week of March 2006 and submit report in a sealed envelop.

In compliance of the direction given by the Court, the concerned Revenue Divisional Officer inspected the site and submitted report dated March 16, 2006 in a sealed envelop. The sealed envelop has been opened in the Court and the report has been perused. The contents of the report were also read out for the benefit of the learned counsel for the parties.

Initially, the learned counsel for the petitioner made a request for appointment of an Advocate-Commissioner to undertake fresh inspection of the site, but, later on, he made a request that his client may be permitted to withdraw the writ petition with liberty to avail remedy by filing civil suit.

Learned Government Pleader and counsel for respondent No.7 say that they do not have any objection to the acceptance of alternative request made by the learned counsel for the petitioner.

In view of the above, the writ petition is dismissed as withdrawn with liberty to the petitioner to avail remedy by filing civil suit for the purpose of award of compensation in lieu of the loss, if any, caused to his property due to blasting operation undertaken by respondent No.7.

As a sequel to the dismissal of the writ petition as withdrawn, W.P.M.P.Nos.1930 and 1931 of 2006 are also dismissed as withdrawn.

G.S.SINGHVI, C.J.

March 20, 2006

G.BHAVANI PRASAD, J.

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